



**Commission on Peace Officer Standards and Training**

860 Stillwater Road, Suite 100  
West Sacramento, CA 95605-1630  
<https://post.ca.gov/>

Date: April 2, 2021

Bulletin: No. 2021-11

Subject: **Notice of Proposed Regulatory Action – Amend Minimum Standards for Training, Regulation 1005**

At the February 24, 2021 meeting, the Commission approved the proposed amendment to Commission Regulation 1005 – Minimum Standards for Training. Upon approval from the Office of Administrative Law, the proposed change will amend the regulation to remove language that allows the use of the Force Options Simulator (FOS) as an approved method of instruction to fulfill the Tactical Firearms Perishable Skills requirement.

The attached notice includes the proposed changes, an invitation for written input on this proposal, the deadline for written comments, and information about requesting a public hearing. The following related information is available on the [POST Website](#).

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Questions regarding this proposed regulatory action may be directed to [Steve Harding](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at [\(916\) 227-2816](#). General questions regarding the regulatory process may be directed to [Katie Strickland](#) at [\(916\) 227-2802](#).

MANUEL ALVAREZ, JR.  
Executive Director

MA:sh  
Attachment: Notice of Proposed Regulatory Action

**NOTICE OF PROPOSED REGULATORY ACTION**  
**MINIMUM STANDARDS FOR TRAINING**  
**Regulation 1005**

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Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

**Public Comments Due by May 17, 2021**

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-4547, by email to [Steve Harding](#), or by letter to:

Commission on POST  
Attention: Rulemaking  
860 Stillwater Road, Suite 100  
West Sacramento, CA 95605-1630

**Authority and Reference**

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

**Informative Digest/Policy Statement Overview**

Current regulation allows the Force Options Simulator (FOS) to be used to meet the minimum topic requirements for Tactical Firearms Perishable Skills. While the FOS allows students to participate in decision-making scenarios, it does not allow the opportunity to gain proficiency in the use of the actual firearm. In addition, FOS have become a primary instructional method for Tactical Firearms training rather than an augmentation as originally intended.

Regulation identifies minimum topics that must be taught for a course to be certified as meeting Tactical Firearms Perishable Skills. One of those topics is "live fire tactical/marketing cartridges or wax bullets." The FOS firearms do not fire any type of projectile; therefore, this topic cannot be met in the use of the FOS. An additional topic that must be met is "weapons clearing/manipulations." This topic cannot be completed in all simulators because not all simulators allow for the weapons to function in a similar manner to a real firearm.

Force Options Simulator training allows students to participate in at least three scenarios. Typically, these are: a "no-shoot" scenario, a "less-lethal" scenario and a "shoot" scenario. This means a student may potentially fire their simulated gun in all three scenarios, but they typically only do so in two. It is possible a student could participate in three scenarios and not fire the gun because the situation may not rise to the level of deadly force, or the student may be able justify why they believed there was no need to discharge their firearm. Under the current model, they would then meet Tactical Firearms Perishable Skills without having fired their weapons or demonstrating proficiency with a firearm. Additionally, some of the FOS, currently in use throughout the State, are outdated, some do not accurately reflect student accuracy based on the way the machine is calibrated, while others may not allow for the student to use the same type of firearm that they use

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as their regular duty weapon. The removal of FOS as an equivalent for meeting the Tactical Firearms PSP requirement will ensure that officers are receiving the proper firearms training.

POST staff recognize a new Continuing Professional Training (CPT) cycle has already begun; therefore, there will be a transition period of three months to allow presenters to adjust their course curriculum as necessary. For the first half of the 2021-2022 CPT cycle, until this proposed amendment takes effect, personnel will still be allowed to complete the Tactical Firearms Perishable Skills using a FOS.

**Anticipated Benefits of the Proposed Amendments:**

The benefits anticipated by the proposed amendments to the regulations will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the State's environment.

**Evaluation of Inconsistency/Incompatibility with Existing State Regulations:**

The Commission on Peace Officer Standards and Training has determined that these proposed amendments are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concern the perishable skills and continuing professional training requirements for peace officers in California.

**Forms Incorporated by Reference**

There are no forms incorporated by reference.

**Adoption of Proposed Regulations**

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

**Estimate of Economic Impact**

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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Costs to any Local Agency or School District for which Government Code sections 17500 - 17630 requires reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Small Business Determination: The Commission on Peace Officer Standards and Training has found that the proposed language will not affect small business because the Commission sets selection and training standards for law enforcement, which are government entities, and does not have an impact on California businesses, including small businesses. The regulation addresses the instructional methodology requirements as it pertains to Tactical Firearms Perishable Skills. This only affects individuals associated with participating law enforcement agencies and/or course presenters.

Additionally, the Commission's main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

**Results of Economic Impact Assessment per Gov. Code section 11346.3(b)**

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The benefits of the proposed amendments of regulations to the regulations will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the State's environment.

**Consideration of Alternatives**

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

**Contact Persons**

Questions regarding this proposed regulatory action may be directed to [Steve Harding](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630

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at [\(916\) 227-2816](tel:9162272816). General questions regarding the regulatory process may be directed to [Katie Strickland](mailto:Katie.Strickland@post.ca.gov) at [\(916\) 227-2802](tel:9162272802).

**Text of Proposal**

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the [POST Website](http://www.post.ca.gov).

**Availability and Location of the Rulemaking File and the Final Statement of Reasons**

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.